

Senate Study Bill 1235 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

- 1 An Act relating to envelopes provided to absentee voters.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 50.20, Code 2013, is amended to read as
2 follows:

3 **50.20 Notice of number of provisional ballots.**

4 The commissioner shall compile a list of the number of
5 provisional ballots cast under section 49.81 in each precinct.
6 The list shall be made available to the public as soon as
7 possible, but in no case later than ~~nine o'clock~~ 9:00 a.m. on
8 the second day following the election. Any elector may examine
9 the list during normal office hours, and may also examine the
10 ~~affidavit~~ affidavits on the envelopes bearing containing the
11 ballots of challenged electors until the reconvening of the
12 special precinct board as required by this chapter. Only those
13 persons so permitted by section 53.23, subsection 4, shall have
14 access to the affidavits while that board is in session. Any
15 elector may present written statements or documents, supporting
16 or opposing the counting of any provisional ballot, at the
17 commissioner's office until the reconvening of the special
18 precinct board.

19 Sec. 2. Section 53.8, subsection 1, Code 2013, is amended
20 to read as follows:

21 1. a. Upon receipt of an application for an absentee ballot
22 and immediately after the absentee ballots are printed, the
23 commissioner shall mail an absentee ballot to the applicant
24 within twenty-four hours, except as otherwise provided in
25 subsection 3. The absentee ballot shall be sent to the
26 registered voter by one of the following methods:

27 (1) The absentee ballot shall be enclosed in an unsealed
28 envelope ~~bearing~~ imprinted with a serial number and affidavit.
29 The absentee ballot and ~~unsealed~~ affidavit envelope shall
30 be enclosed in or with a an unsealed return envelope marked
31 postage paid which bears the same serial number as the ~~unsealed~~
32 affidavit envelope. The absentee ballot, ~~unsealed~~ affidavit
33 envelope, and return envelope shall be enclosed in a third
34 envelope to be sent to the registered voter. If the ballot
35 cannot be folded so that all of the votes cast on the ballot

1 will be hidden, the commissioner shall also enclose a secrecy
2 envelope with the absentee ballot.

3 (2) The absentee ballot shall be enclosed in an unsealed
4 return envelope imprinted with a serial number and affidavit
5 and marked postage paid. The absentee ballot and return
6 envelope shall be enclosed in a second envelope to be sent
7 to the registered voter. If the ballot cannot be folded so
8 that all of the votes cast on the ballot will be hidden, the
9 commissioner shall also enclose a secrecy envelope with the
10 absentee ballot.

11 b. The affidavit shall be imprinted on the appropriate
12 envelope in a form prescribed by the state commissioner of
13 elections.

14 Sec. 3. Section 53.10, subsection 2, Code 2013, is amended
15 to read as follows:

16 2. Each person who wishes to vote by absentee ballot at
17 the commissioner's office shall first sign an application for
18 a ballot including the following information: name, current
19 address, and the election for which the ballot is requested.
20 The person may report a change of address or other information
21 on the person's voter registration record at that time. The
22 registered voter shall immediately mark the ballot; enclose
23 the ballot in a secrecy envelope, if necessary, and seal it
24 ~~in an affidavit~~ the envelope imprinted with the affidavit;
25 subscribe to the affidavit on the reverse side of the envelope;
26 and return the absentee ballot to the commissioner. The
27 commissioner shall record the numbers appearing on the
28 application and affidavit envelope along with the name of the
29 registered voter.

30 Sec. 4. Section 53.16, Code 2013, is amended to read as
31 follows:

32 **53.16 Subscribing to affidavit.**

33 After marking the ballot, the voter shall make and subscribe
34 to the affidavit on the ~~reverse side of the~~ affidavit envelope
35 or on the return envelope imprinted with the affidavit, and

1 fold the ballot or ballots, separately, so as to conceal
2 the markings on them, and deposit them in the envelope, and
3 securely seal the envelope.

4 Sec. 5. Section 53.17, subsection 1, unnumbered paragraph
5 1, Code 2013, is amended to read as follows:

6 ~~The~~ If the commissioner mailed the ballot pursuant to
7 section 53.8, subsection 1, paragraph "a", the sealed affidavit
8 envelope containing the absentee ballot shall be enclosed in
9 a return envelope which shall be securely sealed. If the
10 commissioner mailed the ballot pursuant to section 53.8,
11 subsection 1, paragraph "b", the absentee ballot shall be
12 enclosed in the return envelope which shall be securely
13 sealed. The sealed return envelope shall be returned to the
14 commissioner by one of the following methods:

15 Sec. 6. Section 53.18, subsections 2 and 3, Code 2013, are
16 amended to read as follows:

17 2. If the commissioner receives the return envelope
18 containing the completed absentee ballot by 5:00 p.m. on
19 the Saturday before the election for general and primary
20 elections and by 5:00 p.m. on the Friday before the election
21 for all other elections, the commissioner shall review the
22 affidavit imprinted on the return envelope, if applicable, for
23 completeness or shall open the return envelope to review the
24 affidavit for completeness. If the affidavit is incomplete,
25 the commissioner shall, within twenty-four hours of the time
26 the envelope was received, notify the voter of that fact and
27 that the voter may complete the affidavit in person at the
28 office of the commissioner by 5:00 p.m. on the day before the
29 election, vote a replacement ballot in the manner and within
30 the time period provided in subsection 3, or appear at the
31 voter's precinct polling place on election day and cast a
32 ballot in accordance with section 53.19, subsection 3.

33 3. If the affidavit envelope or the return envelope
34 imprinted with the affidavit contains a defect that would
35 cause the absentee ballot to be rejected by the absentee

1 and special voters precinct board, the commissioner shall
2 immediately notify the voter of that fact and that the
3 voter's absentee ballot shall not be counted unless the
4 voter requests and returns a replacement ballot in the time
5 permitted under section 53.17, subsection 2. The voter may
6 request a replacement ballot in person, in writing, or over
7 the telephone. The same serial number that was assigned
8 to the records of the original absentee ballot application
9 shall be used on the envelope and records of the replacement
10 ballot. The ~~affidavit~~ envelope imprinted with the affidavit
11 and containing the completed replacement ballot shall be
12 marked "Replacement ballot". The ~~affidavit~~ envelope imprinted
13 with the affidavit and containing the original ballot shall
14 be marked "Defective" and the replacement ballot shall be
15 attached to ~~the affidavit~~ such envelope containing the original
16 ballot and shall be stored in a secure place until they are
17 delivered to the absentee and special voters precinct board,
18 notwithstanding sections 53.26 and 53.27.

19 Sec. 7. Section 53.21, subsection 2, paragraph b, Code 2013,
20 is amended to read as follows:

21 b. The voter shall enclose one copy of the above statement
22 in the return envelope along with the affidavit envelope, if
23 the voter was mailed a separate affidavit envelope, and shall
24 retain a copy for the voter's records.

25 Sec. 8. Section 53.23, subsection 3, paragraph b,
26 subparagraph (1), Code 2013, is amended to read as follows:

27 (1) The commissioner may direct the board to meet on the day
28 before the election for the purpose of reviewing the absentee
29 voters' affidavits appearing on the sealed ~~affidavit~~ envelopes.
30 If in the commissioner's judgment this procedure is necessary
31 due to the number of absentee ballots received, the members of
32 the board may open the sealed affidavit envelopes and remove
33 the secrecy envelope containing the ballot, but under no
34 circumstances shall a secrecy envelope or a return envelope
35 imprinted with an affidavit be opened before the board convenes

1 on election day, except as provided in paragraph "c". If the
2 affidavit envelopes are opened before election day pursuant
3 to this paragraph "b", two observers, one appointed by each
4 of the two political parties referred to in section 49.13,
5 subsection 2, shall witness the proceedings. The observers
6 shall be appointed by the county chairperson or, if the
7 county chairperson fails to make an appointment, by the state
8 chairperson. However, if either or both political parties fail
9 to appoint an observer, the commissioner may continue with the
10 proceedings.

11 Sec. 9. Section 53.23, subsection 5, Code 2013, is amended
12 to read as follows:

13 5. The special precinct election board shall preserve
14 the secrecy of all absentee and provisional ballots. After
15 the affidavits on the envelopes have been reviewed and the
16 qualifications of the persons casting the ballots have been
17 determined, those that have been accepted for counting shall
18 be opened. The ballots shall be removed from the affidavit
19 envelopes or return envelopes imprinted with the affidavit, as
20 applicable, without being unfolded or examined, and then shall
21 be thoroughly intermingled, after which they shall be unfolded
22 and tabulated. If secrecy folders or envelopes are used with
23 provisional paper ballots, the ballots shall be removed from
24 the secrecy folders after the ballots have been intermingled.

25 Sec. 10. Section 53.25, Code 2013, is amended to read as
26 follows:

27 **53.25 Rejecting ballot.**

28 1. If the absentee voter's affidavit lacks the voter's
29 signature, if the applicant is not a duly registered voter on
30 election day in the precinct where the absentee ballot was
31 cast, if the ~~affidavit~~ envelope imprinted with the affidavit
32 contains more than one ballot of any one kind, or if the
33 voter has voted in person, such vote shall be rejected by the
34 absentee and special voters precinct board. If the affidavit
35 envelope or return envelope imprinted with the affidavit is

1 open, or has been opened and resealed, or if the ballot is
2 not enclosed in ~~the affidavit~~ such envelope, and an affidavit
3 envelope or return envelope imprinted with the affidavit with
4 the same serial number and marked "Replacement ballot" is
5 not attached as provided in section 53.18, the vote shall be
6 rejected by the absentee and special voters precinct board.

7 2. If the absentee ballot is rejected prior to the opening
8 of the affidavit envelope or return envelope imprinted with the
9 affidavit, the voter casting the ballot shall be notified by a
10 precinct election official by the time the canvass is completed
11 of the reason for the rejection on a form prescribed by the
12 state commissioner of elections.

13 Sec. 11. Section 53.27, Code 2013, is amended to read as
14 follows:

15 **53.27 Rejection of ballot — return of envelope.**

16 If the ballot is rejected, the ~~affidavit~~ envelope, imprinted
17 with the affidavit ~~of~~, with the voter-endorsed voter's
18 endorsement thereon, shall be returned with the rejected ballot
19 in the envelope endorsed "Defective ballots".

20 Sec. 12. Section 53.30, Code 2013, is amended to read as
21 follows:

22 **53.30 Ballots, ballot envelopes, and other information**
23 **preserved.**

24 At the conclusion of each meeting of the absentee and
25 special voter's precinct board, the board shall securely
26 seal all ballots counted by them in the manner prescribed in
27 section 50.12. The ballot envelopes, including the affidavit
28 envelope ~~having the registered voter's affidavit on it, if~~
29 an affidavit envelope was provided, the return envelope, and
30 secrecy envelope bearing the signatures of precinct election
31 officials, as required by section 53.23, shall be preserved.
32 All applications for absentee ballots, ballots rejected without
33 being opened, absentee ballot logs, and any other documents
34 pertaining to the absentee ballot process shall be preserved
35 until such time as the documents may be destroyed pursuant to

1 section 50.19.

2 Sec. 13. Section 53.32, Code 2013, is amended to read as
3 follows:

4 **53.32 Ballot of deceased voter.**

5 When it shall be made to appear by due proof to the precinct
6 election officials that any elector, who has so marked and
7 forwarded a ballot, has died before the ~~affidavit~~ envelope
8 imprinted with the affidavit is opened, then the ballot of such
9 deceased voter shall be endorsed, "Rejected because voter is
10 dead", and be returned to the commissioner; but the casting
11 of the ballot of a deceased voter shall not invalidate the
12 election.

13 Sec. 14. Section 53.38, Code 2013, is amended to read as
14 follows:

15 **53.38 What constitutes registration.**

16 Whenever a ballot is requested pursuant to section 53.39 or
17 53.45 on behalf of a voter in the armed forces of the United
18 States, the affidavit upon the ~~affidavit~~ envelope imprinted
19 with the affidavit of such voter, if the voter is found to
20 be an eligible elector of the county to which the ballot is
21 submitted, shall constitute a sufficient registration under
22 chapter 48A. A completed federal postcard registration and
23 federal absentee ballot request form submitted by such eligible
24 elector shall also constitute a sufficient registration under
25 chapter 48A. The commissioner shall place the voter's name
26 on the registration record as a registered voter if it does
27 not already appear there. The identification requirements of
28 section 48A.8 and the verification requirements of section
29 48A.25A do not apply to persons who register to vote under this
30 division.

31 Sec. 15. Section 53.40, subsection 3, Code 2013, is amended
32 to read as follows:

33 3. If the affidavit on the ~~affidavit~~ envelope imprinted
34 with the affidavit shows that the affiant is not a qualified
35 voter on the day of the election at which the ballot is

1 offered for voting, the envelope shall not be opened, but
2 the envelope and ballot contained in the envelope shall be
3 preserved and returned by the precinct election officials to
4 the commissioner, who shall preserve them for the period of
5 time and under the conditions provided for in sections 50.12,
6 50.13, 50.15, and 50.19.

7 Sec. 16. Section 53.44, unnumbered paragraph 1, Code 2013,
8 is amended to read as follows:

9 The affidavit on the ~~affidavit~~ envelope imprinted with the
10 affidavit used in connection with voting by absentee ballot
11 under this division by members of the armed forces of the
12 United States need not be notarized or witnessed, but the
13 affidavit on such envelope shall be completed and signed by the
14 voter.

15 Sec. 17. REPEAL. Sections 53.13 and 53.14, Code 2013, are
16 repealed.

17 EXPLANATION

18 This bill relates to envelopes provided to absentee voters.
19 Under current law, absentee ballots mailed to a voter are
20 required to be enclosed in an unsealed envelope bearing a
21 serial number and an affidavit, which are then required to be
22 enclosed in or with a return envelope, all of which are then
23 required to be enclosed in a third envelope to be sent to the
24 registered voter requesting an absentee ballot.

25 The bill allows for an affidavit to be imprinted on the
26 return envelope. If a return envelope imprinted with the
27 affidavit is used, absentee ballots mailed to a voter are
28 required to be enclosed in the unsealed return envelope
29 imprinted with the affidavit which is required to be enclosed
30 in a second envelope to be sent to the registered voter
31 requesting an absentee ballot. The bill allows a county
32 commissioner of elections to continue sending absentee ballots
33 as provided under current law or to send absentee ballots
34 utilizing a return envelope imprinted with the affidavit. The
35 bill makes additional conforming changes.

S.F. _____

1 The bill also repeals Code section 53.14 which requires that
2 the printed affidavit designate the voter's party affiliation
3 if the ballot enclosed is a primary election ballot.